

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CHERYL LIBERMAN,

Plaintiff,

v.

SYNCHRONY BANK,

Defendant.

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PLAINTIFF’S COMPLAINT

Case No. 4:17-cv-13382

COMPLAINT

NOW COMES Plaintiff, CHERYL LIBERMAN (“Plaintiff”), by and through her attorneys, and hereby alleges the following against Defendant, SYNCHRONY BANK (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction of this action pursuant to 47 U.S.C. § 227(b)(3) and 28 U.S.C. § 1331.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts giving rise to Plaintiff’s cause of action occurred in this district as Plaintiff resides in this district and as Defendant transacts business in this district.

PARTIES

4. Plaintiff is a natural person residing in Howell, Michigan.

5. Defendant is a business entity with a business office located in Draper, Utah.

6. Defendant acted through its agents, employees, officers, members, directors, heirs,

successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

7. Around June 2017, Plaintiff began receiving phone calls from Defendant on her cellular telephone.

8. Telephone number [REDACTED] is assigned to Plaintiff's cell phone.

9. These calls are not for emergency purposes.

10. These calls are made in connection with a credit card account.

11. Defendant called plaintiff's cell phone on consecutive days, at least twice per day, including mornings, nights, and weekends.

12. Upon information and good faith belief, based on the frequency, number, nature and character of these calls, Defendant placed these calls using an automatic telephone dialing system for purposes of the TCPA.

13. On or about June 29, 2017, Plaintiff spoke with Defendant and instructed Defendant to stop calling her cell phone.

14. Plaintiff revoked consent for Defendant to use an automatic telephone dialing system to call her cell phone.

15. Defendant continued to call Plaintiff's cell phone after June 29, 2017.

16. Defendant continued to place calls to Plaintiff's cell phone on consecutive days, at least three times per day, including mornings, nights, and weekends.

17. Plaintiff estimates Defendant called her cell phone at least fifty (50) times.

18. Upon information and good faith belief, Defendant used an automatic telephone dialing system to place each and every call to Plaintiff's cell phone.

19. Defendant did not have Plaintiff's express consent to use an automatic telephone dialing system to place these calls.

20. Defendant knew that it did not have Plaintiff's express consent to use an automatic telephone dialing system to place these calls.

21. Defendant placed these calls voluntarily.

22. Defendant placed these calls under its own free will.

23. Defendant willfully used an automatic telephone dialing system to place these calls.

24. Plaintiff is annoyed and feels harassed by Defendant's calls.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

25. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

26. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, CHERYL LIBERMAN, respectfully requests judgment be entered against Defendant, SYNCHRONY BANK, for the following:

- 1) Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B).
- 2) Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C),
- 3) All court costs, witness fees and other fees incurred.

4) Any other relief that this Honorable Court deems appropriate.

Respectfully submitted,

Dated: October 16, 2017

/s/ Adam T. Hill
Adam T. Hill
KROHN & MOSS, LTD.
10 N. Dearborn St., 3rd Fl.
Chicago, Illinois 60602
Telephone: 312-578-9428
Telefax: 866-861-1390
ahill@consumerlawcenter.com
Attorneys for Plaintiff